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Intellectual Property Administration  
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MAR 20 2007

PATENT APPLICATION

ATTORNEY DOCKET NO. 10018774-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Theodore I. Kamins et al

Confirmation No.: 4949

Application No.: 10/029583

Examiner: R.G. McDonald

Filing Date: Dec. 20, 2001

Group Art Unit: 1753

Title: Method of Forming One of More Nanopores for Aligning Molecules for Molecular Electronics

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF (Revised)

Sir:

Transmitted herewith in triplicate is the Revised Reply brief with respect to the Examiner's Notification of Non-Compliance on February 27, 2007. This Reply Brief is being filed pursuant to 37 CFR 41.71 (3) within one month of the date of the Examiner's Notification.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number on (571) 273-8300 Mar 20, 2007

Number of pages 13

Typed Name: L.D. Raphael

Respectfully submitted,

Theodore I. Kamins et al

By

David W. Collins

Attorney/Agent for Applicant(s)

Reg. No. 26856

Date: Mar. 19, 2007

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**REVISED REPLY BRIEF UNDER 37 C.F.R. 41.41**

Sir:

Appellants submit this Revised Reply Brief in connection with the above-referenced patent application which is on appeal to the Board of Patent Appeals and Interferences and in response to certain points raised by the Examiner in his Answer mailed October 24, 2005. The Reply Brief is revised to take into account the Remand to the Examiner by the Board on January 31, 2007 and the Examiner's subsequent Office communication to Appellants mailed on February 27, 2007. Appellants note that no time period was given in the Office communication for submitting the Revised Reply Brief. Essentially, in this Revised Reply Brief, an attached figure discussed in the previous Reply Brief is deleted. The attached figure and the lack of a set time period were discussed by the Appellants' representative with the Examiner on March 14, 2006, and this Revised Reply Brief is considered to be consistent with that discussion and to be timely filed.

Serial No. 10/029,583 ..... Page 2

1. Response to the argument that a semiconductor  
device is equivalent to a molecular electronic device:

On page 13, first paragraph, of the Examiner's Answer, the Examiner states that "the prior art of record teach production of semiconductor devices which act to form electronic devices with molecular structures".

Appellants respectfully disagree for the following reasons:

A semiconductor device is one in which the properties of the semiconductor material produces the behavior of the device. The semiconductor forms the active part of the device and is not simply a piece of connected material. (This is toward any argument that tries to make Appellants' molecular device into a semiconductor device by virtue of the fact that a connecting conductor may be doped polysilicon, or a supporting mechanical substrate may be silicon, etc.) A single molecule of silicon does not have the properties of a semiconductor. (Therefore, one could use a single molecule of silicon if one could figure out how to make it work with some end group, but it would be a molecular device and *not* a semiconductor device.)

A semiconductor is not defined until there are enough atoms to have energy bands (typically, a valence band and a conduction band). A semiconductor is material with energy bands, each containing a range of allowed states separated by a small energy interval (much less than the energy corresponding to the ambient temperature in terms of  $kT$ , where  $k$  is the Boltzmann constant and  $T$  is the temperature in degrees Kelvin). Because the energy interval from one allowed state to the next within the allowed band is small (with respect to the energy of the ambient), the electron can access a nearby state and move to a different position by moving between energetically accessible states. In a semiconductor, a moderately large (with respect to  $kT$ ) energy gap (typically a few tenths of an electron volt to several electron volts) separates allowed bands. At zero Kelvin temperature, all states in a lower band (valence band) are filled, and all states in an upper band (conduction band) are empty. At finite temperature, some electrons are thermally excited from the valence band to the conduction band, providing carriers for conduction; the empty states in the valence band (holes) also provide carriers for conduction.

The entire theory of semiconductor physics and electronics is based on the presence of a large enough number of atoms such that the energy levels within an allowed "band" of energies is much smaller than the energy corresponding to the ambient temperature.

In contrast, the theory of molecular electronics is based on the properties of a *single* molecule in isolation from like molecules.

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A molecular device depends on properties of individual molecules, which have discrete energy levels separated by energies much greater than the energy corresponding to the ambient temperature. The electrons on the energy levels within the molecule cannot readily move to adjacent states and thus cannot move through the material classically.

Summarizing, a semiconductor device *does not* operate at the molecular level, with molecular structures, and the two mechanisms of operation are completely different.

2. Response to the argument that a capacitive device is  
equivalent to a tunnel barrier device and that all barriers are equal:

On page 13, second paragraph, of the Examiner's Answer, the Examiner states that "as Appellant admits Jun et al. at least imply barriers. Appellant further points out that there would be a finite probability of tunneling. This finite probability suggests a tunnel barrier layer."

Appellants respectfully disagree for the following reasons:

A capacitor and a tunnel barrier are indeed similar physical structures, as both consist of a conductor/insulator/conductor configuration. However, they differ in one critical criteria – the thickness of the insulator, which relates directly to the rate of electrical current flow across the insulator.

A capacitor is a conductor/insulator/conductor structure that is deliberately constructed to eliminate electrical current flow across the insulator. In practice, this is achieved by constructing insulating films that are relatively thick (typically > 50 nanometers (nm)) compared to the de Broglie wavelength of an electron (~0.5 nm in most metals) and the evanescent decay length of an electron quantum mechanically tunneling into a barrier region (~0.2 nm for a 1 electron Volt (eV) barrier).

In contrast, a tunnel barrier is known to those skilled in the art as a conductor/insulator/conductor structure that is deliberately constructed to allow small electrical currents to flow, via quantum mechanical tunneling, across the insulator. In practice, this is achieved by constructing insulating films that are relatively thin (typically 1 nm – 5 nm total thickness) when compared to the relevant electron wavelength (~0.5 nm) and evanescent decay length (~0.2 nm) mentioned above.

Thus, the critical distinction between a capacitor and a tunnel barrier must be made by inspecting the thickness of the insulating layer, and the corresponding quantum mechanical electron tunnel rate. Insulating barriers less than ~5 nm may be considered tunnel barriers. Insulating barriers greater than ~10 nm may be considered capacitors. In practice, capacitor barriers are

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conventionally made much thicker due to constraints of pinhole-free fabrication and non-quantum mechanical, thermally activated electron transport.

Jun et al. are referring to a capacitor that functions as a capacitor, and teaches away from charge transmission.

In contrast to a capacitor, Appellants are referring to a tunnel barrier device, wherein the device operation depends on the transmission of charge through the barrier by quantum mechanical tunneling.

### 3. Conclusion:

The foregoing points are presented to rebut certain aspects of the Examiner's Reply. Appellants continue to maintain the patentability of their claimed invention. In view of the foregoing and the arguments presented in the Appeal Brief, Appellants respectfully request reversal of the rejections and passing of the application to issuance.

Respectfully submitted,

THEODORE I. KAMINS ET AL.

March 19, 2007



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